

STATE OF INDIANA )  
 ) SS:  
COUNTY OF WARRICK )

IN THE WARRICK SUPERIOR COURTS  
SMALL CLAIMS DIVISION

Plaintiff(s) \_\_\_\_\_

CAUSE NO: 87D0\_\_\_\_ - \_\_\_\_ -SC-\_\_\_\_\_

Defendant(s) \_\_\_\_\_

**AFFIDAVIT OF RENT & DAMAGES**

**THE UNDERSIGNED AFFIRMS THAT THE FOLLOWING IS TRUE:**

**A Written lease is attached with supportive documentation:** ☐ YES ☐ NO

**Rent Due** \$ \_\_\_\_\_

**Damages** \$ \_\_\_\_\_

**Less Deposit** \$ \_\_\_\_\_

**Total Rent & Damage** \$ \_\_\_\_\_

**Court Costs** \$ \_\_\_\_\_

**AFFIDAVIT PURSUANT TO SERVICEMEMBER'S CIVIL RELIEF ACT**

**THE UNDERSIGNED STATES:** 1) He/she is the claimant or duly authorized agent of the claimant in this case. 2) This affidavit is made pursuant to and in accordance with the Servicemembers' Civil Relief Act, 50 U.S.C. App. § 521. 3) Based upon investigation, it is the undersigned's belief that the Defendant: **(check one of the boxes below):**

- ☐ **IS** a member of the Army, Navy, Air Force, Marine Corps or Coast Guard on active duty; **OR** a member of the National Guard who has been called to active duty; **OR** a commissioned member of the Public Health Service or the National Oceanographic and Atmospheric Administration.
- ☐ **IS NOT** a member of the Army, Navy, Air Force, Marine Corps or Coast Guard on active duty; **OR** a member of the National Guard who has been called to active duty; **OR** a commissioned member of the Public Health Service or the National Oceanographic and Atmospheric Administration.

Set for the facts upon which you relied in reaching this determination: \_\_\_\_\_

- ☐ See attached certificate from the Defense Manpower Data Center which states the Defendant is not in the military service.
- ☐ The undersigned is unable to determine whether or not the Defendant is a member of the Army, Navy, Air Force, Marine Corps or Coast Guard on active duty; **OR** a member of the National Guard who has been called to active duty; **OR** a commissioned member of the Public Health Service or the National Oceanographic and Atmospheric Administration.

Set for the facts upon which you relied in reaching this determination: \_\_\_\_\_

***NOTE: A PERSON WHO MAKES OR USES AN AFFIDAVIT KNOWING IT TO BE FALSE SHALL BE FINED OR IMPRISONED FOR NOT MORE THAN ONE (1) YEAR, OR BOTH.***

**I AFFIRM UNDER PENALTIES FOR PERJURY THAT THE FOREGOING STATEMENTS ARE TRUE.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

Affiant \_\_\_\_\_  
(Signature)

**Defendant(s) current address:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## **IMPORTANT INFORMATION CONCERNING THIS CLAIM**

**IF DEFENDANT(S) DO NOT DISPUTE THIS CLAIM:** If the Defendant(s) does not dispute this Claim, you may nonetheless appear at the trial for the purpose of allowing the Court to establish the method by which the judgment shall be paid.

**IF THE DEFENDANT(S) FAIL TO APPEAR:** If the Defendant(s) fails to appear at the trial in the case, a default judgment may be entered against him/her. If the Claimant(s) fails to appear at the trial, the case will be dismissed. You may communicate with the Court at the address and number at the top of this form if you are unable to appear at any hearing related to the claim.

**CORPORATIONS:** If either party is a corporation and the claim or counterclaim is more than \$1,500, THE CORPORATION MUST BE REPRESENTED BY AN ATTORNEY. If claim is \$1,500 or less, THE CORPORATION MUST FILE A RESOLUTION which designates a specific person to appear on behalf of the corporation.

**COUNTERCLAIMS:** If the Defendant(s) wishes to file a counterclaim, they must do so by filing it with the Court Clerk within such time as will allow the court to mail a copy to the claimant(s) at least 7 calendar days prior to the trial.

**JURY TRIAL:** The filing of this Claim is deemed a waiver of jury trial by the Claimant(s). If the Defendant(s) wants a jury trial, they must, not later than 10 days following receipt of this Notice of Claim and Summons, file with the Court a Demand For Jury Trial which shall include an affidavit that there are questions of fact requiring a jury trial, specifying those facts and stating that the demand is made in good faith. Once a jury trial request has been granted, it may not be withdrawn without the consent of the other party or parties. Within 10 days after a jury trial request has been granted, the party requesting the jury trial shall pay the Clerk to transfer the case to the civil plenary docket. Otherwise, the party requesting the jury trial shall be deemed to have waived the request. When transferred, the Indiana Rules of Trial Procedure and Evidence will then apply. At that point, both parties may wish to consult with a lawyer.

**SETTLEMENT:** If the parties reach a settlement, it shall be in writing signed by both parties and filed with the Court. Upon approval by the Judge, the settlement will be entered as a Judgment.

**TRIAL:** On the trial date, both parties must bring to Court all documents in their possession or under their control and all witnesses which they intend to present to the Court concerning this claim. If a witness will not appear voluntarily, the court clerk will assist you in preparing and issuing a subpoena. A request for a change of the trial date should be directed to the Court **IN WRITING** at the address.

### **Warrick Superior Courts**

One County Square, Judicial Center  
Suite 320-S  
Boonville, IN 47601

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Shannon Weisheit, Clerk of Warrick Circuit & Superior Courts